



MITCHELL E. DANIELS, JR., *Governor*

JAMAL L. SMITH, *Executive Director*

ICRC No.: EMse11080514

[REDACTED],  
Complainant,

vs.

SHELBY'S ANIMAL RESCUE d/b/a RED WOOD LODGE,  
Respondent.

### **NOTICE OF FINDING**

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice has occurred. 910 IAC 1-3-2(b)

On November 17, 2010, [REDACTED] ("Complainant") filed a complaint with the Commission against Shelby's Animal Rescue, Inc. d/b/a Red Wood Lodge ("Respondent") alleging discrimination on the basis of sex (pregnancy) in violation of the Indiana Civil Rights Law (IC 22-9, et seq) [REDACTED]. Accordingly, the Commission has jurisdiction over the parties and the subject matter of this complaint.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The issue presented to the Commission is whether Complainant was terminated due to her pregnancy. Although Respondent contended that it discharged Complainant for consistent incidents of tardiness and a pattern of poor work performance, a tape recording of Complainant's exit interview shows that [REDACTED], Respondent's owner, did not cite any of those things at the time she terminated Complainant. Instead, Wright stated that she was terminating Complainant because she was pregnant and she did not want Complainant to risk the health of her unborn baby by allowing her to work around highly toxic cleaning supplies. Another reason she cited for Complainant's severance was the fact that [REDACTED] did not want to have to deal with another civil rights charge, which she referred to as "very lengthy" and a "big deal." Based upon the above findings, probable cause exists to believe that an unlawful discriminatory practice may have occurred.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. IC 22-9-1-18, 910 IAC 1-3-5. The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission's Administrative Law Judge will hear this matter. IC 22-9-1-16, 910 IAC 1-3-6.



June 25, 2012  
Date

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Joshua S. Brewster, Esq.,  
Deputy Director  
Indiana Civil Rights Commission

**SERVICE LIST**